

AMENDED IN SENATE APRIL 12, 1999

SENATE BILL

No. 1006

Introduced by Senator Costa

February 26, 1999

~~An act to add Section 54954.7 to the Government Code, and to add Section 454.1 to the Public Utilities Code, relating to services. An act to amend Section 116775 of, and to add Section 116791 to, the Health and Safety Code, relating to drinking water.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1006, as amended, Costa. ~~Water and sewer systems: rates.~~ *Drinking water: water softening devices.*

Existing law contains provisions regulating the use of residential water softening or conditioning appliances.

This bill would provide that nothing contained in these provisions shall authorize the discharge of brine waste into a community water system from regeneration of any water softening or conditioning appliance performed at a residence where the appliance is used, or authorize the installation of any water softening or conditioning appliance regenerated at a residence where the appliance is used, where the discharge or installation is in violation of an ordinance, rule, or regulation of a local agency, as defined, adopted to control residential salinity input for the purpose of achieving compliance with waste discharge requirements, water reclamation requirements, or a master reclamation permit issued by a regional water quality control board, or recycling

water containing waste, or protecting present and probable future beneficial uses of water.

~~(1) Under the Public Utilities Act, a public utility, including a water corporation and a sewer system corporation, may not change any rate or alter a classification, contract, practice, or rule so as to result in a rate increase unless a showing is made before the Public Utilities Commission, and a finding is made by the commission pursuant to prescribed proceedings, that the change is justified.~~

~~This bill would permit a customer to request to be notified with regard to any water or sewer system corporation rate increase application that proposes any rate increase and would require the water or sewer system corporation to notify any individual customer that requests the notification. Because, under the act, a violation of this provision would be a crime, this bill would impose a state-mandated local program by creating a new crime. The bill would authorize the corporation to charge a specified notification fee.~~

~~The bill would also permit a customer to request to be notified a minimum of 30 days in advance of an approval by a legislative body of a local agency retail water or sewer provider, as defined, for any water or sewer rate increase in excess of specified percentages, and would require the local agency to notify any individual that requests the notification, thereby imposing a state-mandated local program. The bill would authorize the provider to charge a specified notification fee.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*.
State-mandated local program: ~~yes~~ *no*.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 54954.7 is added to the~~

2 *SECTION 1. Section 116775 of the Health and Safety*
3 *Code is amended to read:*

4 116775. The Legislature hereby finds and declares
5 that the utilization of the waters of the state by residential
6 consumers for general domestic purposes, including
7 drinking, cleaning, washing, and personal grooming and
8 sanitation of the people is a right that should be interfered
9 with only when necessary for specified health and safety
10 purposes *and to protect the quality of the waters of the*
11 *state.* The Legislature further finds that variation in water
12 quality, and particularly in water hardness, throughout
13 the state ~~requires that~~ *may require the use of* on-site
14 water softening or conditioning ~~be available throughout~~
15 ~~the state to insure to domestic consumers their right to~~
16 *appliances to ensure* a water supply that is effective and
17 functional for domestic requirements of the residential
18 household, but that the on-site water softening or
19 conditioning shall be available only as hereinafter set
20 forth.

21 *SEC. 2. Section 116791 is added to the Health and*
22 *Safety Code, to read:*

23 116791. (a) *Nothing contained in this article shall*
24 *authorize the discharge of brine waste into a community*
25 *water system from regeneration of any water softening or*
26 *conditioning appliance performed at a residence where*
27 *the appliance is used, or authorize the installation of any*
28 *water softening or conditioning appliance regenerated at*
29 *a residence where the appliance is used, where the*
30 *discharge or installation is in violation of an ordinance,*

1 rule, or regulation of a local agency adopted to control
2 residential salinity input for the purpose of achieving
3 compliance with waste discharge requirements, water
4 reclamation requirements, or a master reclamation
5 permit issued by a regional water quality control board,
6 or recycling water containing waste, or protecting
7 present and probable future beneficial uses of water
8 pursuant to Division 7 (commencing with Section 13000)
9 of the Water Code.

10 (b) As used in this section, "local agency" means a city,
11 county, city and county, district, or any other political
12 subdivision of the state that is located in an area subject
13 to a water quality control plan adopted pursuant to
14 Article 3 (commencing with Section 13240) of Chapter 4
15 of Division 7 of the Water Code where the plan contains
16 applicable salinity standards, limits, or objectives.

17 Government Code, to read:

18 ~~54954.7. (a) A customer may request to be notified a~~
19 ~~minimum of 30 days in advance of the date when action~~
20 ~~may be taken by the legislative body of a local agency~~
21 ~~retail water or sewer provider to approve a water or~~
22 ~~sewer rate increase in excess of either 8 percent for one~~
23 ~~year, 18 percent on a cumulative basis over three years,~~
24 ~~or 20 percent on a cumulative basis over four years.~~
25 ~~"Customer" shall mean a retail account that uses or~~
26 ~~discharges in excess of 10,000 gallons of water or~~
27 ~~wastewater per day over the course of any standard~~
28 ~~billing cycle.~~

29 ~~(b) A request filed pursuant to this section shall be~~
30 ~~submitted in writing to the office of the local agency. The~~
31 ~~request shall contain the name of the person and mailing~~
32 ~~address to which notice shall be provided by the local~~
33 ~~agency. Any request for notice filed pursuant to this~~
34 ~~section shall be valid for one year from the date on which~~
35 ~~it was filed unless a renewal request is filed. Renewal~~
36 ~~requests for notice shall be filed within 90 days after~~
37 ~~January 1 of each year.~~

38 ~~(c) Notice shall be sent by first class mail and shall be~~
39 ~~deposited in a post office, mailbox, subpost office,~~
40 ~~substation, mail chute, or other like facility regularly~~

1 ~~maintained by the United States Postal Service, in a~~
2 ~~sealed envelope, with postage paid. Notice by mail is~~
3 ~~complete at the time of deposit. The failure of any~~
4 ~~customer to receive the notice given pursuant to this~~
5 ~~section shall not constitute grounds for any court to~~
6 ~~invalidate the actions of the legislative body for which the~~
7 ~~notice was given.~~

8 ~~(d) Action taken to adopt a rate increase pursuant to~~
9 ~~this section that is continued to any subsequent meeting~~
10 ~~of the legislative body shall not require further notice~~
11 ~~beyond that required pursuant to this chapter.~~

12 ~~(e) In case of a generally recognized emergency, a~~
13 ~~legislative body may pass a resolution declaring that the~~
14 ~~public interest and necessity demand the immediate~~
15 ~~increase of water or sewer rates to safeguard life, health,~~
16 ~~or property. If notice will not be given pursuant to this~~
17 ~~section, the legislative body shall comply with the other~~
18 ~~provisions of this chapter.~~

19 ~~(f) The provisions of this section shall apply to actions~~
20 ~~taken after January 1, 2000.~~

21 ~~(g) The legislative body may establish a reasonable~~
22 ~~annual fee for sending the notice based on the estimated~~
23 ~~cost of providing the service. The fee shall not exceed one~~
24 ~~hundred dollars (\$100) per customer.~~

25 ~~(h) For purposes of this section, retail water and sewer~~
26 ~~providers include any entities that provide water and~~
27 ~~sewer system services, including, but not limited to, all~~
28 ~~governmental and quasi-governmental agencies, cities,~~
29 ~~counties, cities and counties, regional agencies, irrigation~~
30 ~~districts, special districts, and special agencies.~~

31 ~~(i) This section does not apply to those entities~~
32 ~~providing notification pursuant to Section 454.1 of the~~
33 ~~Public Utilities Code.~~

34 ~~SEC. 2. Section 454.1 is added to the Public Utilities~~
35 ~~Code, to read:~~

36 ~~454.1. (a) A customer may request any water~~
37 ~~corporation or any sewer system corporation to provide~~
38 ~~the customer with a copy of an application to the~~
39 ~~commission for a rate increase pursuant to Section 454.~~
40 ~~The water or sewer system corporation shall provide the~~

1 customer with a copy of the rate increase application
2 within 10 days after the filing of the application with the
3 commission, or within 10 days of the receipt of the
4 request, whichever is later.

5 The customer's request shall indicate the person to be
6 notified and the manner in which the notice is given. A
7 water or sewer system corporation shall notify any
8 individual customer who requests notification as
9 provided in this subdivision.

10 (b) A water or sewer system corporation may impose
11 a customer notification fee for notices required by
12 subdivision (a) for individual customers. The fee shall
13 reflect the reasonable costs of providing the notification
14 and shall not exceed one hundred dollars (\$100) per
15 customer request and notification.

16 SEC. 3. No reimbursement is required by this act
17 pursuant to Section 6 of Article XIII B of the California
18 Constitution for certain costs that may be incurred by a
19 local agency or school district because in that regard this
20 act creates a new crime or infraction, eliminates a crime
21 or infraction, or changes the penalty for a crime or
22 infraction, within the meaning of Section 17556 of the
23 Government Code, or changes the definition of a crime
24 within the meaning of Section 6 of Article XIII B of the
25 California Constitution.

26 However, notwithstanding Section 17610 of the
27 Government Code, if the Commission on State Mandates
28 determines that this act contains other costs mandated by
29 the state, reimbursement to local agencies and school
30 districts for those costs shall be made pursuant to Part 7
31 (commencing with Section 17500) of Division 4 of Title
32 2 of the Government Code. If the statewide cost of the
33 claim for reimbursement does not exceed one million
34 dollars (\$1,000,000), reimbursement shall be made from
35 the State Mandates Claims Fund.